

**SUPREME COURT MINUTES
THURSDAY, JUNE 3, 1999
SAN FRANCISCO, CALIFORNIA**

S070347 DeBerard Properties, Ltd., Plaintiff and Respondent
v.
Bun Raymond Lim et al., Defendants and Appellants
We affirm the Court of Appeal's judgment.

Mosk, J.

We Concur:
George, C.J.
Baxter, J.
Werdegar, J.
Chin, J.
Brown, J.

Concurring Opinion by Kennard, J.

S077706 People, Respondent
4th Dist. v.
D028550 Joe Willy Hill, Appellant
Div. 1 Respondent's petition for review GRANTED.
Appellant's petition for review GRANTED, limited to the issue
of whether there was insufficient evidence to support the kidnapping
conviction as to the infant victim.

George, C.J.
Mosk, J.
Kennard, J.
Baxter, J.
Werdegar, J.
Chin, J.

S077771 Amanda Lee, Respondent
6th Dist. v.
H018456 Technology Integration Group et al., Appellants
Petition for review GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *Armendariz v. Foundation Health Psychcare Services, Inc.*, S075942 (see Cal. Rules of Court, rule 29.2(c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.3, is deferred pending further order of the court.

George, C.J.
Mosk, J.
Kennard, J.
Baxter, J.
Werdegar, J.
Chin, J.
Brown, J.

S077824 Diana Gonzalez, Respondent
2nd Dist. v.
B119278 Hughes Aircraft Employees Federal Credit Union et al., Appellants
Div. 6 Petition for review GRANTED.

Further action in this matter is deferred pending consideration and disposition of a related issue in *Armendariz v. Foundation Health Psychcare Services, Inc.*, S075942 (see Cal. Rules of Court, rule 29.2(c)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.3, is deferred pending further order of the court.

George, C.J.
Mosk, J.
Kennard, J.
Baxter, J.
Werdegar, J.
Chin, J.
Brown, J.

S078119 Hector Rosales, Appellant
2nd Dist. v.
B122694 Deputy Ace Medical Company, Respondent
Div. 3 Respondent's petition for review GRANTED.

George, C.J.
Kennard, J.
Werdegar, J.
Chin, J.

S070843 In re Monica Lorraine Allison
on
Habeas Corpus

Good cause having been shown, the Director of the Sacramento County Probation Office is ordered to show cause before the Third District Court of Appeal when the matter is placed on calendar why the trial court's instructions did not preclude petitioner's conviction based upon her exercise of her right of freedom of speech. The return shall be filed on or before July 6, 1999.

George, C.J.
Mosk, J.
Kennard, J.
Baxter, J.
Werdegar, J.
Chin, J.

4th Dist. People, Respondent
G021452 v.
Div. 3 Ivan Antonio Manriquez, Appellant
S077853 Petition for review GRANTED.

The cause is transferred to the Court of Appeal, Fourth Appellate District, Division Three, with directions to vacate its decision in light of the circumstance that the Court of Appeal opinion in this matter, ordered published on March 19, 1999, relies upon a decision *People v. Moreno* (S075834), formerly published at 69 Cal.App.4th 1198, in

which review was granted on March 9, 1999, and which is being held pending decision in *People v. Castenada* (S069237) and *People v. Robles* (S069306). In view of the circumstance that *Moreno* is now superseded and may not be cited (Cal. Rules of Court, rules 977 & 976(d)), the Court of Appeal shall make appropriate changes to its opinion in this matter.

George, C.J.
Kennard, J.
Baxter, J.
Werdegar, J.
Chin, J.

S067030 California Teachers' Association et al., Respondents
3rd DST. v.
C019678 State of California et al., Appellants
The requests for modification of the opinion are denied.

S070960 People, Respondent
v.
Lesser Kelly, Appellant
The issue to be decided in this case shall be limited to the one raised in appellant's petition for review.

S057107 In re Albert Greened Brown
on
Habits Corpus
The petition for habits corpus is denied. The Second, Third, Fourth, twenty-sixth, and Thirtieth Claims for Relief are barred because they were raised and rejected on appeal. (*In re Walter's* (1965) 62 Cal.2d 218, 225.)
The Fifth, Sixth, Eleventh, Thirteenth, Fourteenth, Sixteenth, Seventeenth, Nineteenth, Twenty-First, Twenty-Second, Twenty-Third, Twenty-Fourth, Twenty-Fifth, Twenty-Seventh, Twenty-Eighth, Thirty-Fifth, and Thirty-Sixth Claims for Relief are barred because they could and should have been, but were not, raised on

appeal. (*In re Dixon* (1953) 41 Cal.2d 756, 759.)

To the extent based solely on the appellate record, the Ninth and Twelfth Claims for Relief are barred under *Dixon*.

To the extent the Fifteenth Claim for Relief argues that prejudice individually arose from (1) exclusion of expert testimony on eyewitness identification, (2) admission of testimony by a hypnotized witness, and (3) admission of unreliable serological evidence, it is barred under *Waltreus*. Otherwise, the claim is barred under *Dixon*.

To the extent the Eighteenth Claim for Relief asserts the prosecutor committed misconduct by arguing that (1) the absence of mitigation was aggravating and (2) “sympathy” for petitioner was irrelevant, it is barred under *Waltreus*. Otherwise, the claim is barred under *Dixon*.

Except as direct attacks on the validity of the 1978 death penalty law, the Twenty-Ninth and Thirty-Second Claims for Relief are barred under *Dixon*.

To the extent the Thirty-Third Claim for Relief asserts that reconsideration of the automatic motion for modification of verdict should not have been reheard by the same judge whose prior order denying the motion was reversed, it is barred under *Dixon*. Otherwise, the claim is barred under *Waltreus*.

The Fifth and Sixth Claims for Relief are also barred because they argue insufficiency of the evidence, an issue not cognizable on habeas corpus. (*In re Lindley* (1947) 29 Cal.2d 709, 723.)

The Forty-First and Forty-Second Claims for Relief are barred on grounds of petitioner’s failure to object or otherwise raise the issues at trial. (*People v. Edwards* (1991) 54 Cal.3d 787, 827.)

All the claims in the petition are denied on the merits.

Justices Mosk and Brown would deny the petition solely on the merits.

Justice Werdegarr would deny Claims 41 and 42 solely on the merits.

S070227 In re Noel Jackson
 on
 Habeas Corpus

The petition for writ of habeas corpus is denied.

With exception of claims E, F, G, I, J, and L, all claims are denied as untimely (*In re Robbins* (1998) 18 Cal.4th 770) and successive, i.e., they could have been, but were not, raised in the first petition for writ of habeas corpus (*In re Robbins, supra*, 18

Cal.4th at p. 788, fn. 9;*In re Clark* (1993) 5 Cal.4th 750, 768;*In re Horowitz* (1949) 33 Cal.2d 534, 546-547).

Claims A3, C4, and M are barred because they were raised and rejected in the first petition for writ of habeas corpus. (*In re Miller* (1941) 17 Cal.2d 734.)

The following claims are also denied on the grounds that they could have been, but were not, raised on appeal: B, D1, D2, and D3. (*In re Dixon* (1953) 41 Cal.2d 756,759;*In re Harris* (1993) 5 Cal.4th 813, 825, fn. 3 and pp. 829-841.)

Claims E and F are denied as premature.

All claims except claims E and F are also denied on the merits.

Justices Mosk and Brown would deny the petition, except claims E and F, solely on the merits.

S077908 In re Richard Leonard Jelks
 on
 Habeas Corpus
 Petition for writ of habeas corpus DENIED.

1st Dist. People, Respondent
A078114 v.
Div. 3 Glenn Alan Dunn, Appellant
S078522 Appellant's petition for review DENIED.

1st Dist. In re the Marriage of Robert E. Krempin and Patricia A.Krempin
A078423 -----
Div. 4 Robert E. Krempin, Respondent
S078515 v.
 Patricia A. Krempin, Appellant
 Petition for review DENIED.

1st Dist. In re Lacedric William Johnson on Habeas Corpus
A079137 -----
A082014 People, Respondent
Div. 3 v.
S077790 Lacedric William Johnson, Appellant
 Appellant's petition for review DENIED.

1st Dist. Stream Analytics et al., Appellants
A079424 v.
Div. 1 Terry Lillie et al., Respondents
S078512 Petition for review DENIED.

1st Dist. A080064 A081852 Div. 1 S078532	Timothy J. Linder, Respondent v. Doctors' Management Company et al., Appellants Petition for review DENIED.
1st Dist. A081199 Div. 3 S078432	In re Antoine M., a Person Coming Under the Juvenile Court Law ----- People, Respondent v. Antoine M., Appellant Petition for review DENIED.
1st Dist. A081284 Div. 4 S078386	People, Respondent v. Jerry Joseph Edmunds, Appellant Appellant's petition for review DENIED.
1st Dist. A081652 Div. 4 S078385	People, Respondent v. Jerry Joseph Edmunds, Appellant Appellant's petition for review DENIED.
1st Dist. A081986 Div. 2 S078388	People, Respondent v. Henry Pic Charles, Appellant Appellant's petition for review DENIED.
1st Dist. A082211 Div. 1 S078398	John D. Freeman et al., Appellants v. Sandra Sassen, Respondent Appellants' petition for review DENIED.
1st Dist. A082226 Div. 5 S078484	People, Respondent v. Michael D. Holloway, Appellant Appellant's petition for review DENIED.
1st Dist. A083012 Div. 2 S078581	In re Carley M., a Person Coming Under the Juvenile Court Law ----- Marin County Dept. of Health and Human Services, Respondent v. Tammy M., Appellant And Companion Case

Petition for review DENIED.

1st Dist. People, Respondent
A083093 v.
Div. 1 Tommy Escarcega, Appellant
S078401 Appellant's petition for review DENIED.

1st Dist. City of Pinole, Petitioner
A083508 v.
Div. 2 Workers' Compensation Appeals Board et al., Respondents
S077840 Petition for review DENIED.

1st Dist. Joe L. Wilkes, Petitioner
A084641 v.
Div. 5 Workers' Compensation Appeals Board et al., Respondents
S078409 Petition for review DENIED.

1st Dist. Shair R. Ali, Petitioner
A086808 v.
Div. 5 Contra Costa County Superior Court, Respondent
S079167 People, Real Party in Interest
Application for stay and petition for review DENIED.

2nd Dist. People, Respondent
B111106 v.
Div. 6 Terrance Keith Amos, Appellant
S078486 Appellant's petition for review DENIED.

2nd Dist. B114273 B117139 Div. 7 S077833	<p>People, Appellant v. Alejandro Silva, Respondent Appellant's petition for review DENIED. Appellant's petition for review DENIED.</p>
2nd Dist. B115102 Div. 6 S078556	<p>Evan Chandler, Appellant v. American Broadcasting Companies et al., Respondents Petition for review DENIED.</p>
2nd Dist. B115365 Div. 4 S077910	<p>People, Respondent v. Jerriel M. Wilborn, Appellant Respondent's petition for review DENIED. The request for an order directing depublication of the opinion is DENIED.</p>
2nd Dist. B115784 Div. 5 S078393	<p>Donald F. Hogans, Appellant v. United Franchise Owners et al., Appellants Petition for review DENIED.</p>
2nd Dist. B115919 Div. 4 S078245	<p>Valanteen Berberian, Respondent v. Alexandria Convalescent Hospital, Appellant Appellant's petition for review DENIED.</p>
2nd Dist. B115960 Div. 5 S078476	<p>People, Respondent v. Louis Peterson, Appellant Appellant's petition for review DENIED.</p>
2nd Dist. B116266 B122485 Div. 1 S077906	<p>In re Richard Leonard Jelks on Habeas Corpus ----- People, Respondent v. Richard Leonard Jelks, Appellant Appellant's petition for review DENIED.</p>

2nd Dist. B116771 Div. 4 S077892	People, Respondent v. Napoleon Brown, Appellant Appellant's petition for review DENIED.
2nd Dist. B116861 Div. 5 S077508	Jesus Cortez, Appellant v. Yamaha Motor Corp., Respondent Appellant's petition for review DENIED.
2nd Dist. B117354 Div. 3 S078392	People, Respondent v. Claude R. Smith, Appellant Appellant's petition for review DENIED.
2nd Dist. B117722 Div. 6 S078511	People, Respondent v. Brian Matthew Sutherland, Appellant Appellant's petition for review DENIED.
2nd Dist. B118099 Div. 4 S077813	People, Respondent v. Ollie Miller et al., Appellants Appellants' petitions for review DENIED. Mosk, J., is of the opinion review should be granted.
2nd Dist. B119005 Div. 4 S077777	People, Respondent v. Jose Guadalupe Ruiz-Mor, Appellant Appellant's petition for review DENIED.
2nd Dist. B119195 Div. 7 S078504	People, Respondent v. Victor Tapia Vargas, Appellant Appellant's petition for review DENIED.
2nd Dist. B119526 Div. 5 S078417	Richard Neely, Appellant v. Williams-Sonoma Incorporated, Respondent Petition for review DENIED.

2nd Dist. B119661 Div. 3 S078449	People, Respondent v. David Denetrix Bowers, Appellant Appellant's petition for review DENIED.
2nd Dist. B120180 Div. 1 S078389	People, Respondent v. Clarence Barnes, Appellant Appellant's petition for review DENIED.
2nd Dist. B120575 S078408	Virginia E. Hyland, Appellant v. Hughes Aircraft Company et al., Respondents Respondents' petition for review DENIED.
2nd Dist. B120595 Div. 1 S078540	People, Respondent v. Juan Carlos Ramirez, Appellant Respondent's petition for review DENIED.
2nd Dist. B120693 Div. 5 S078390	People, Respondent v. Carlos A. Morales, Appellant Appellant's petition for review DENIED.
2nd Dist. B120948 Div. 2 S078054	People, Respondent v. Michael V. Barrera, Appellant Appellant's petition for review DENIED.
2nd Dist. B120968 Div. 3 S078541	People, Respondent v. Mark Donovan, Appellant Appellant's petition for review DENIED.
2nd Dist. B121001 Div. 6 S078516	People, Respondent v. Eric Panizzon, Appellant Appellant's petition for review DENIED.

2nd Dist. B121615 Div. 6 S078529	People, Respondent v. Emilio Garcia Orozco, Appellant Petition for review DENIED.
2nd Dist. B121691 Div. 1 S078076	In re Justin C., a Person Coming Under the Juvenile Court Law ----- Los Angeles County Dept of Children Services, Respondent v. Thomas C., Appellant Respondent's petition for review DENIED. The Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above-entitled appeal, filed March 3, 1999, which appears at 70 Cal.App.4th 1516. (Cal. Const., art. VI, section 14; rule976, Cal. Rules of Court.)
2nd Dist. B121759 Div. 2 S078255	Wayman G. Washington, Appellant v. Regents of the University of California et al., Respondents Appellant's petition for review DENIED.
2nd Dist. B122014 Div. 4 S078645	People, Respondent v. Craig K. Garrett, Appellant Appellant's petition for review DENIED.
2nd Dist. B122483 Div. 7 S077920	Pacific Indemnity Company, Appellant v. American Motorists Insurance Company, Respondent Petition for review DENIED.
2nd Dist. B122675 Div. 6 S078550	Kolbe Foods Incorporated, Respondent v. Nader Mirzai, Appellant Appellant's petition for review DENIED.
2nd Dist. B123912 Div. 6 S077843	Paul Worthington, Appellant v. California Capital Insurance Company, Respondent Respondent's petition for review DENIED.

2nd Dist. In re Daniel John Morales
B130753 on
Div. 3 Habeas Corpus
S078359 Petition for review DENIED.

2nd Dist. David Arias, Petitioner
B130889 v.
Div. 5 Los Angeles County Superior Court, Respondent
S078531 S.M. Morgan Incorporated, Real Party in Interest
Petition for review DENIED.

2nd Dist. Hiram Ash, Petitioner
B132091 v.
Div. 4 Los Angeles County Superior Court, Respondent
S079336 Hoag Company et al., Real Parties in Interest
Application for stay and petition for review DENIED.

3rd Dist. California Teachers' Association et al., Respondents
C019678 v.
S067030 State of California et al., Appellants

The requests for modification of the opinion are denied.

3rd Dist. People, Respondent
C024354 v.
S077919 Kelly Harold Wilson, Appellant
Appellant's petition for review DENIED.
Mosk, J., is of the opinion the petition should be granted.

3rd Dist. People, Respondent
C029611 v.
S078433 Gregory Leonard Saputo, Appellant
Appellant's petition for review DENIED.

3rd Dist. People, Respondent
C029653 v.
S078502 John Ted Lamb, Appellant
Appellant's petition for review DENIED.

3rd Dist. C028761 S078431	In re Kenya F., a Person Coming Under the Juvenile Court Law ----- People, Respondent v. Kenya F., Appellant Petition for review DENIED.
3rd Dist. C032573 S078948	Gurmeet Singh Thind, Appellant v. Alcoholic Beverage Control Appeals Board, Respondent Application for stay and petition for review DENIED.
4th Dist. D027604 Div. 1 S077698	People, Respondent v. Jerry P. Jennings, Appellant Appellant's petition for review DENIED.
4th Dist. D027678 Div. 1 S078568	A. Edward Brady et al., Appellants v. General Dynamics Corporation et al., Respondents Appellant's petition for review DENIED.
4th Dist. D027779 Div. 1 S078416	Antoinette Greco et al., Appellants v. Connie M. Greco, Appellant Petition for review DENIED.
4th Dist. D028174 Div. 1 S077923	People, Respondent v. Joseph Wilbur Craver, Appellant Appellant's petition for review DENIED.
4th Dist. D028430 Div. 1 S077776	People, Respondent v. Jesse Edward Rivas, Appellant Appellant's petition for review DENIED.

4th Dist. D028562 Div. 1 S078513	People, Respondent v. John F. McFarland, Appellant Appellant's petition for review DENIED.
4th Dist. D028953 Div. 1 S078524	People, Respondent v. Darrel Lee Smith, Appellant Appellant's petition for review DENIED.
4th Dist. D029169 Div. 1 S078506	People, Respondent v. Jesus Juarez, Appellant Appellant's petition for review DENIED.
4th Dist. D029783 Div. 1 S078370	Mitchell Becker et al., Appellants v. Allstate Insurance Company, Respondent Appellants' petition for review DENIED.
4th Dist. D029992 Div. 1 S078507	People, Respondent v. David Shane Ross, Appellant Appellant's petition for review DENIED.
4th Dist. D032042 Div. 1 S078382	People, Respondent v. Constantino Miguel Aguilar, Appellant Appellant's petition for review DENIED.
4th Dist. D032796 Div. 1 S078428	Pacific Indemnity Company, Petitioner v. San Diego County Superior Court, Respondent San Diego Unified Port District, Real Party in Interest Petition for review DENIED.
4th Dist. D032897 Div. 1 S078479	In re Adrin J. Austin on Habeas Corpus Petition for review DENIED.

4th Dist. D032946 Div. 1 S078481	In re Roy Paul Valdez on Habeas Corpus Petition for review DENIED.
4th Dist. D032964 Div. 1 S078334	Monaco Coach Corporation, Petitioner v. San Diego County Superior Court, Respondent Jorgia Brown, Real Party in Interest Petition for review DENIED.
4th Dist. D032965 Div. 1 S078521	In re Larry D. Rodriguez on Habeas Corpus Petition for review DENIED.
4th Dist. D033101 Div. 1 S078478	In re Francisco Ramos on Habeas Corpus Petition for review DENIED.
4th Dist. E018472 Div. 2 S078021	City of Palm Springs, Respondent v. Living Desert Reserve, Appellant Respondent's petition for review DENIED.
4th Dist. E020679 Div. 2 S077666	People, Respondent v. Robert Dale Thurmond, Appellant Appellant's petition for review DENIED.
4th Dist. E021749 S077890	People, Respondent v. James David Upton, Appellant Appellant's petition for review DENIED. Mosk, J., is of the opinion the petition should be granted.

4th Dist. E022385 Div. 2 S078549	People, Respondent v. Everett F. Reed, Appellant Appellant's petition for review DENIED.
4th Dist. E024590 Div. 2 S078587	Octavious Marshall Glenn, Petitioner v. San Bernardino County Superior Court, Respondent People, Real Party in Interest Petition for review DENIED.
4th Dist. E024614 Div. 2 S078059	Mary Avila et al., Petitioners v. Riverside County Superior Court, Respondent Carl Axup et al., Real Parties in Interest Petition for review DENIED.
4th Dist. G021486 Div. 3 S077395	People, Respondent v. Hilario Norberto Torres, Appellant Appellant's petition for review DENIED.
4th Dist. G021687 Div. 3 S078423	People, Respondent v. Earl J. Robbins, Appellant Appellant's petition for review DENIED.
4th Dist. G022094 Div. 3 S078442	People, Respondent v. Albert Garcia Guerrero, Appellant Appellant's petition for review DENIED.
4th Dist. G022286 G022287 G022288 Div. 3 S078185	People, Respondent v. Ambrose Richard Gill, Appellant And Companion Case Appellant's petition for review DENIED. Mosk, J., is of the opinion the petition should be granted.

4th Dist. G022355 Div. 3 S078489	People, Respondent v. Jose I. Robles, Appellant Appellant's petition for review DENIED.
4th Dist. G022389 Div. 3 S077773	People, Respondent v. Francisco Pina, Appellant Appellant's petition for review DENIED.
4th Dist. G022726 Div. 3 S078236	People, Respondent v. Dennis Lydell Ephform, Appellant Appellant's petition for review DENIED.
4th Dist. G023228 Div. 3 S078510	In re Cierra S., a Person Coming Under the Juvenile Court Law ----- Orange County Social Services Agency et al., Respondents v. Thomas L., Appellant Petition for review DENIED.
4th Dist. G023290 Div. 3 S071326	Mary Ellen Torquato, Petitioner v. Workers' Compensation Appeals Board, Respondent Insurance Company of the West, Respondent Petition for review DENIED.
4th Dist. G024893 Div. 3 S077760	Ronald Scott Heiberg, Petitioner v. Orange County Superior Court, Respondent People, Real Party in Interest Petition for review DENIED. (See Penal Code section 1538.5, subd.(m) and <i>People v. Medina</i> (1972) 6 Cal.3d 484, 491-492.) Mosk, J., is of the opinion the petition should be granted.
4th Dist. G025099 Div. 3 S078487	Lucky Stores Inc., Petitioner v. Alcoholic Beverage Control Appeals Board, Respondent Petition for review DENIED.

5th Dist. People, Respondent
F026728 v.
F028939 Javier Trujillo Perez, Appellant
S077930 Appellant's petition for review DENIED.

5th Dist. People, Respondent
F027432 v.
S077806 Candido Rodriguez Loera et al., Appellants
Appellants' petitions for review DENIED.
Mosk, J., and Kennard, J., are of the opinion the petition of
appellant Peter Paul Cordova should be granted.
Brown, J., is of the opinion review should be granted.

5th Dist. In re Samuel Kurt Smith on Habeas Corpus
F028756 -----
F029819 People, Respondent
S077700 v.
Samuel Kurt Smith, Appellant
Appellant's petition for review DENIED.

5th Dist. Nulaid Foods et al., Respondents
F029173 v.
S078191 A E Staley Manufacturing Company, Appellant
Petition for review DENIED.
The request for an order directing publication of the opinion is
DENIED.

5th Dist. People, Respondent
F029751 v.
S078461 Jose Trinidad Flores, Appellant
Appellant's petition for review DENIED.

5th Dist. People, Respondent
F030170 v.
S078538 Eric Quigley, Appellant
Appellant's petition for review DENIED.

5th Dist. F030313 S078485	People, Respondent v. Manuel Isauro Morado Jr., Appellant Appellant's petition for review DENIED.
5th Dist. F030501 S078462	People, Respondent v. Diana Fay Robertson, Appellant Appellant's petition for review DENIED.
5th Dist. F030710 S078437	People, Respondent v. Adelaido Pinedo, Appellant Appellant's petition for review DENIED.
5th Dist. F030771 S078491	Albert Perez, Petitioner v. Workers' Compensation Appeals Board et al., Respondents Petition for review DENIED.
5th Dist. F032978 S078555	Regina Denise Eason, Petitioner v. Kern County Superior Court, Respondent People, Real Party in Interest Application for stay and petition for review DENIED.
6th Dist. H017752 S078477	People, Respondent v. Angel Oliveras, Appellant Appellant's petition for review DENIED.
6th Dist. H017983 S077677	People, Respondent v. Fred Alton Brixey, Appellant Appellant's petition for review DENIED.
6th Dist. H018094 S078395	People, Respondent v. James Edward King, Appellant Appellant's petition for review DENIED.

6th Dist. H018530 S077827	People, Petitioner v. Santa Clara County Superior Court, Respondent Jerry Howard, Real Party in Interest Real Party in Interest's petition for review DENIED.
6th Dist. H019439 S077822	People, Respondent v. Fabian Garcia, Appellant Appellant's petition for review DENIED.
6th Dist. H019986 S079237	Edwin Ray Baugh, Petitioner v. Santa Cruz County Superior Court, Respondent People, Real Party in Interest Petition for review DENIED.
BV22029 S077210	Herbert Balter, Appellant v. Pierre Khoury, Respondent The request for an order directing publication of the opinion in the above entitled cause is DENIED.
BV21990 S078098	S.M. Morgan Incorporated, Respondent v. David Arias, Appellant The request for an order directing publication of the opinion in the above entitled cause is DENIED.
2nd Dist. B117055 Div. 2 S077869	Thomas Bergantino, Appellant v. Fire Insurance Exchange et al., Respondents The request for an order directing publication of the opinion in the above entitled cause is DENIED.
4th Dist. E022175 Div. 2 S077753	Steve Benyo, Appellant v. Allstate Insurance Company et al., Respondents The request for an order directing partial publication of the opinion in the above entitled cause is DENIED.

S039894 People, Respondent

v.

Christopher James Sattiewhite, Appellant

On application of appellant and good cause appearing, it is ordered that the appellant is granted to and including August 2, 1999, to request correction of the record on appeal. Counsel for appellant is ordered to notify the Clerk of the Supreme Court in writing as soon as the act as to which the Court has granted an extension of time has been completed.

S040575 People, Respondent

v.

Delaney Geral Marks, Appellant

On application of appellant and good cause appearing, it is ordered that the appellant is granted to and including June 16, 1999, to request correction of the record on appeal. Counsel for appellant is ordered to notify the Clerk of the Supreme Court in writing as soon as the act as to which the Court has granted an extension of time has been completed.

S055652 People, Respondent

v.

Freddie Fuiava, Appellant

On application of appellant and good cause appearing, it is ordered that the appellant is granted to and including June 15, 1999, to request correction of the record on appeal. Counsel for appellant is ordered to notify the Clerk of the Supreme Court in writing as soon as the act as to which the Court has granted an extension of time has been completed.

No further extensions of time are contemplated.

S067443 People, Appellant

v.

Raymond Lawrence Frazer, Respondent

The request for extension of time to file supplemental brief, filed by the Attorney General on June 3, 1999, is denied.

- S075942 Marybeth Armendariz et al., Respondents
v.
Foundation Health Psychcare Services, Incorporated, Appellant
On application of respondent and good cause appearing, it is ordered that the time to serve and file respondent's brief on the merits is extended to and including July 9, 1999.
- S077380 In re Gary Dale Hines
on
Habeas Corpus
On application of petitioner and good cause appearing, it is ordered that the time to serve and file petitioner's reply to informal response to the petition for writ of habeas corpus is extended to and including July 23, 1999.
- S004486 People, Respondent
Crim. v.
22955 Steven Allen Champion and Craig Anthony Ross, Appellants
Good cause appearing, the application of lead appointed counsel Nicholas C. Arguimbau for the appointment of associate appointed counsel, filed February 11, 1999, as amended and filed May 13, 1999, is granted.
Steven E. Feldman is hereby appointed as associate counsel of record to represent death row inmate Craig Anthony Ross. Counsel is appointed for purposes of all post-conviction proceedings in this court, and for subsequent proceedings, including the preparation and filing of a petition for clemency with the Governor of California, as appropriate.
- S074515 In re Darrell Lee Lomax
on
Habeas Corpus
Darrell Lee Lomax's habeas corpus petition requesting *immediate* appointment of appellate counsel, filed by this on November 4, 1998, is denied. Counsel will be appointed in due course. (*People v. Holt* (1997) 15 Cal.4th 619, 708-709, and *People v. Horton* (1995) 11 Cal.4th 1068, 1141.)

- S045982 People, Respondent
v.
Johnny Avila, Jr., Appellant
Upon request of appellant for appointment of counsel, Gary B. Wells is hereby appointed to represent appellant for habeas corpus/executive clemency proceedings related to the above automatic appeal now pending in this court.
- S057321 People, Respondent
v.
Darrell Lee Lomax, Appellant
Appellant's petition for *immediate* appointment of appellate counsel, filed by this court on August 21, 1998, is denied. Counsel will be appointed in due course. (*People v. Holt* (1997) 15 Cal.4th 619, 708-709, and *People v. Horton* (1995) 11 Cal.4th 1068, 1141.)
- S075725 People, Respondent
v.
Kiongozi Jones, Appellant
Kiongozi Jones's petition requesting immediate appointment of appellate counsel, filed on April 27, 1999, is denied. Counsel will be appointed in due course. (*People v. Holt* (1997) 15 Cal.4th 619, 708-709, and *People v. Horton* (1995) 11 Cal.4th 1068, 1141.)
- S010723 People, Respondent
v.
Noel Jackson, Appellant
Petitioner's "Confidential Application for Authorization to Incur Expenses to Investigate and Present Habeas Corpus Claims," filed on May 21, 1999, is denied.
- Bar
Misc.
4186 In the Matter of the Application of the Committee of Bar Examiners of the State of California for Admission of Attorneys
The written motion of the Committee of Bar Examiners that the following named applicants, who have fulfilled the requirements for admission to practice law in the State of California, be admitted to the practice of law in this state is hereby granted, with permission to the applicants to take the oath before a competent officer at another time and place:
(LIST OF NAMES ATTACHED TO ORIGINAL ORDER)

S077568 In re **Mary Frances Richardson** Discipline

It is ordered that **Mary Frances Richardson** be suspended from the practice of law for two years and until she has shown proof satisfactory to the State Bar Court of her rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct. She is further ordered to comply with rule 955, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar pursuant to Bus. & Prof. Code section 6086.10 and shall be payable in accordance with Bus. & Prof. Code section 6140.7 (as amended effective January 1, 1997).

*(See Business & Professions Code, § 6126, subd. (c).)

S077569 In re **Mark Morrison** Discipline

It is ordered that **Mark Morris** be suspended from the practice of law for four years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct and until he makes full restitution pursuant to the payment plan set forth at pages 23 through 27 of the stipulation filed August 21, 1998, that execution of suspension be stayed, and that he be placed on probation for five years and until he completes the aforementioned restitution on condition that he be actually suspended for thirty months and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct. He is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order dated August 19, 1998, approving the stipulation filed August 21, 1998, including make full restitution pursuant to the payment plan set forth at pages 23 through 27 of the stipulation and furnishing satisfactory proof of such payment to the Probation Unit, State Bar Office of the Chief Trial Counsel. It is further ordered that he take and pass the Multistate Professional Responsibility Examination administered by the National Conference of Bar Examiners during the period of his

actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is also ordered that he comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and shall be paid as recommended by the Hearing Department of the State Bar Court pursuant to its order dated August 19, 1998.

*(See Business & Professions Code, § 6126, subd. (c).)

S077570 In re **Alan Perry Thomason** Discipline

It is ordered that **Alan Perry Thomas** be suspended from the practice of law for five years, that execution of suspension be stayed, and that he be placed on probation for five years on condition that he be actually suspended for four years. He is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order regarding stipulation filed September 18, 1998. It is also ordered that he take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn.8.) Credit toward the period of actual suspension shall be given for the period of interim suspension which commenced on April 25, 1997. If the period of actual suspension is two years or greater, he shall remain suspended until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct. Costs are awarded to the State Bar pursuant to Bus. & Prof. Code section 6086.10 and shall be payable in accordance with Bus. & Prof. Code section 6140.7.

S077571 In re **James Christopher Woodward** Discipline

It is ordered that **James Christopher Woodward** be suspended from the practice of law for five years, and until he makes restitution to Gary and Karen Schwager (or the Client Security Fund, if appropriate) in the amount of \$50,000, plus interest at a rate of 8% per annum from April 7, 1997 and furnishes satisfactory proof thereof to the Probation Unit of the State Bar, and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness

to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of suspension be stayed, and that he be placed on probation for five years on condition that he be actually suspended for three years and until he makes restitution to Gary and Karen Schwager (or the Client Security Fund, if appropriate), and until he complies with standard 1.4(c)(ii). He is further ordered to comply with the other conditions of probation, including restitution, recommended by the Hearing Department of the State Bar Court in its order regarding stipulation filed October 8, 1998. It is also ordered that he take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) He is further ordered to comply with rule 955, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar pursuant to Bus. & Prof. Code section 6086.10 and shall be payable in accordance with Bus. & Prof. Code section 6140.7. as amended effective January 1, 1997.

*(See Business & Professions Code, § 6126, subd. (c).)

S077572

In re **Myron Roy Siegel** on Discipline

It is ordered that **Myron Roy Siegel** be suspended from the practice of law for two years, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 120 days and until he makes restitution to Myung Sook Kim (or the Client Security Fund, if appropriate) of \$620 plus 10% interest per annum from January 29, 1996. He is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order regarding stipulation filed October 19, 1998. If the period of actual suspension is two years or greater, he shall remain suspended until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct. It is also ordered that he take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension, or within

one year, whichever period is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn.8.) He is further ordered to comply with rule 955, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar pursuant to Bus. & Prof. Code section 6086.10 and shall be payable in accordance with Bus. & Prof. Code section 6140.7.

*(See Business & Professions Code, § 6126, subd. (c).)

S077573

In re **Mitchell K. Jayson** on Discipline

It is ordered that **Mitchell K. Jayson** be suspended from the practice of law for three years, that execution of suspension be stayed, and that he be placed on probation for three years on condition that he be actually suspended for one year and until he makes restitution to Robert L. Dreyfuss (or the Client Security Fund, if appropriate) in the amount of \$3,000 plus 10% interest per annum from March 8, 1989. He is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its decision filed October 16, 1998. If the period of actual suspension is two years or greater, he shall remain suspended until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct. It is also ordered that he take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension or within one year after of the effective date of this order, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn.8.) He is further ordered to comply with rule 955, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar pursuant to Bus. & Prof. Code section 6086.10 and shall be payable in accordance with section 6140.7.

*(See Business & Professions Code, § 6126, subd. (c).)

S077574 In re **Thomas Edward White** Discipline

It is ordered that **Thomas Edward White** be suspended from the practice of law for four years, that execution of suspension be stayed, and that he be placed on probation for four years on condition that he be actually suspended for two years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct. He is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its decision filed August 26, 1998. It is further ordered that he take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn.8.) It is also ordered that he comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and are payable in accordance with Business and Professions Code section 6140.7.

*(See Business & Professions Code, § 6126, subd. (c).)

S077629 In re **Michael H. Inman** Discipline

It is ordered that **Michael H. Inman** be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for one year on condition that he be actually suspended for 30 days. He is also ordered to comply with the other conditions of probation, including restitution, recommended by the Hearing Department of the State Bar Court in its decision filed November 12, 1998. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn.8.) Costs are awarded to the State Bar pursuant to Bus. & Prof. Code section 6086.10 and payable in accordance with Bus. & Prof. Code section 6140.7 as amended effective January 1, 1997.

S077631 In re **Donald James Sanderson** Discipline

It is ordered that **Donald James Sanders** be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation, including actual suspension for 30 days, recommended by the Hearing Department of the State Bar Court in its order dated October 14, 1998, approving the stipulation filed October 23, 1998. Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and are payable in accordance with section 6140.7.

S077632 In re **Ian Lane Kerner** Discipline

It is ordered that **Ian Lane Kerner** be suspended from the practice of law for three years, that execution of suspension be stayed, and that he be placed on probation for three years subject to the conditions of probation, including six months actual suspension, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed November 9, 1998. If the period of actual suspension is two years or greater, he shall remain suspended until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is greater. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn.8.) It is further ordered that he comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar pursuant to Bus. & Prof. Code section 6086.10 and payable in accordance with Bus. & Prof. Code section 6140.7 as amended effective January 1, 1997.

*(See Business & Professions Code, § 6126, subd. (c).)

S077633

In re **Lee Sherman Meyer** on Discipline

It is ordered that **Lee Sherman Meyer** be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 60 days and until he makes restitution to Van Lewis in the amount of \$1,200, plus 10% interest per annum from September 1, 1997 and furnishes satisfactory proof thereof to the Probation Unit, State Bar Office of Trials. He is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its decision filed September 1, 1998. If the period of actual suspension is two years or greater, he shall remain suspended until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn.8.) If the period of actual suspension is 90 days or greater, he is further ordered to comply with rule 955, California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar pursuant to Business and Professions Code section 6086.10 and are payable in accordance with Business and Professions Code section 6140.7.

*(See Business & Professions Code, § 6126, subd. (c).)

S077634

In re **Andre F. Zeehandelaar** on Discipline

It is ordered that **Andre F. Zeehandelaar** be disbarred from the practice of law and that his name be stricken from the roll of attorneys. He is also ordered to comply with rule 955, California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar pursuant to Bus. & Prof. Code section 6086.10.

*(See Business & Professions Code, § 6126, subd. (c).)